

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>SALVADOR PEREZ, JR.</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. CIV-23-322-R</b>
	)	
<b>MARK BOWEN, Warden, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

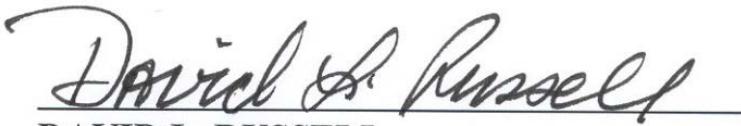
This matter comes before the Court for review of the Second Supplemental Report and Recommendation [Doc. No. 35] issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends that Plaintiff's Motion for Leave to File an Amended Complaint [Doc. No. 35] be denied because the proposed allegations do not state plausible claims. Plaintiff timely filed an Objection [Doc. No. 36] and the Court must therefore make a de novo determination of the portions of the Report to which a specific objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Once again, Plaintiff's Objection includes additional factual allegations in support of his claims but does not specifically object to any portion of the Report. *See Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.”); *Scott v. Hormel*, No. CIV-18-395-SLP, 2019 WL 3935101, at \*2 n.2 (W.D. Okla. Aug. 20, 2019) (“To the extent Plaintiff includes new factual allegations in his Objection, the new allegations are not

determinative of whether Plaintiff adequately stated claims in his Complaint.”). Plaintiff’s Objection presents no persuasive argument or authority that would cause this Court to reject Judge Purcell’s conclusions regarding the sufficiency of the proposed amended allegations. Having reviewed the relevant filings, the Court fully concurs with Report and Recommendation.

Accordingly, the Court ADOPTS the Second Supplemental Report and Recommendation [Doc. No. 35] in its entirety. For the reasons stated therein, Plaintiff’s Motion for Leave to File an Amended Complaint [Doc. No. 35] is DENIED.

IT IS SO ORDERED this 4th day of October 2023.



DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE